

ESTTA Tracking number: **ESTTA463135**Filing date: **03/21/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following parties request to cancel indicated registration.

Petitioner Information

Name	Valley of the Sun Cosmetics LLC		
Entity	LLC	Citizenship	California
Address	535 Patrice Place Gardena, CA 90248 UNITED STATES		

Name	Ajmal Shehzad		
Entity	Individual	Citizenship	UNITED STATES
Address	535 Patrice Place Gardena, CA 90248 UNITED STATES		

Attorney information	Elizabeth Oliner Raj Abhyanker PC 1580 West El Camino Real 1580 West El Camino Real Mountain View, CA 94040 UNITED STATES liz@rajpatent.com Phone:6503906409
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Registration Subject to Cancellation

Registration No	3726254	Registration date	12/15/2009
Registrant	Arminex International, Inc. 4200 Verdant Street, Suite A Los Angeles, CA 90039 UNITED STATES		


Goods/Services Subject to Cancellation

Class 003. First Use: 2009/03/11 First Use In Commerce: 2009/03/11 All goods and services in the class are cancelled, namely: Cosmetics and cosmetic preparations; Cuticle conditioners; Cuticle cream; Nail care preparations; Nail care preparations, namely, nail softeners; Nail cream; Nail enamels; Nail hardeners; Nail polish; Nail strengtheners; Non-medicated skin care preparations
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Grounds for Cancellation

False suggestion of a connection	Trademark Act section 2(a)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2787980	Application Date	07/20/2001
Registration Date	12/02/2003	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD STYLE USA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2001/01/00 First Use In Commerce: 2001/01/00 Beauty aids, namely, skin care creams, facial and body scrubs, skin masks, hair shampoo, hair care styling gels and sprays		

Attachments	76287920#TMSN.gif (1 page)(bytes) TOFILE-cancellationhollywoodgirl.pdf (16 pages)(1969352 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Elizabeth Oliner/
Name	Elizabeth Oliner
Date	03/21/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration Number: 3,726,254

Valley of the Sun Cosmetics LLC
and Ajmal Shehzad d/b/a Valley of the Sun
Cosmetics, LLC

Petitioners,

v.

Arminex International, Inc.

Registrant

Cancellation No.
Registration No. 3,726,254

PETITION TO CANCEL

Valley of the Sun Cosmetics LLC and Ajmal Shehzad d/b/a Valley of the Sun Cosmetics, LLC (“Petitioners”) believe that they are, or will be damaged by the continued registration of U.S. Trademark Registration No 3,726,254 for HOLLYWOOD GIRL, granted to Arminex International, Inc. (“Registrant”) and therefore file this petition for cancellation of this registration in its entirety. As grounds for the cancellation, Petitioners, by its attorneys at Raj Abhyanker PC, allege as follows:

1. Petitioners consist of a limited liability company doing business as Valley of the Sun Cosmetics and Ajmal Shehzad, its CEO, both of whom have a principal place of business at 535 Patrice Place in Gardena, CA 90248.
2. Petitioners are the owners of the following registered trademark:
HOLLYWOOD STYLE USA (USPTO Reg. No. 2787980).

3. Petitioners are the owners of the following pending trademarks:
HOLLYWOOD BABY (USPTO Serial No. 85/394,839) and HOLLYWOOD MEN (USPTO Serial No. 85/394,823).
4. Upon information and belief, Registrant is a Corporation with a principal place of business at 4200 Verdant Street, Suite A in Los Angeles, CA 90039.
5. Registrant is the owner of the following registered trademark: HOLLYWOOD GIRL (USPTO Registration No. 3,726,254).
6. HOLLYWOOD BABY and HOLLYWOOD MEN both received office actions on December 13, 2011, citing a likelihood of confusion with Registrant's HOLLYWOOD GIRL mark. *See* Exhibits 1 and 2.

PETITIONER'S PRIORITY OF USE AND LIKELIHOOD OF CONFUSION
BTWEEN HOLLYWOOD STYLE USA AND HOLLYWOOD GIRL

7. Petitioner first filed its trademark for HOLLYWOOD STYLE USA (USPTO Registration No. 2787980) in January of 2001 in International Trademark Class 3 for "Beauty aids, namely, skin care creams, facial and body scrubs, skin masks, hair shampoo, hair care styling gels and sprays." *See* Exhibit 3. The registration maintains a date of first use of at least as early as January, 2001.
8. Registrant first filed an intent-to-use trademark application with the United States Patent and Trademark Office for HOLLYWOOD GIRL in June of 2008 in International Trademark Class 3 for "Cosmetics and cosmetic preparations; Cuticle conditioners; Cuticle cream; Nail care preparations; Nail care preparations, namely, nail softeners; Nail cream; Nail enamels; Nail hardeners; Nail polish; Nail strengtheners; Non-medicated skin care preparations." The first use date listed on this application is March 9, 2009. This application was registered on December and received USPTO Registration No. 3726254. *See* Exhibit 4.
9. Petitioner's first use of its trademark and filing date of its application are earlier than Registrant's filing and first use dates.
10. Petitioner has been using its HOLLYWOOD STYLE USA trademark in commerce for longer than Registrant and has never abandoned the mark. Petitioner has

established priority of use for HOLLYWOOD STYLE USA over Registrant's HOLLYWOOD GIRL mark.

11. Over the past 11 years, Petitioner has established goodwill and recognition in the United States with respect to the HOLLYWOOD STYLE USA mark.
12. Upon information and belief, Registrant's goods are offered through the same trade channels and to at least some of the same consumers as Petitioner's goods. As applied to Registrant's goods, Registrant's HOLLYWOOD GIRL mark so resembles Petitioner's HOLLYWOOD STYLE mark as to cause confusion, cause mistake or to deceive as to the source of the goods.

REGISTRANT'S ABANDONMENT FOR NON-USE

13. Upon information and belief, and on the results of an investigation conducted by Petitioner and by Petitioner's attorneys, Registrant has discontinued use of its goods for over four years, as petitioner never sold any products in commerce bearing the name HOLLYWOOD GIRL.

FALSE CONNECTION WITH PETITIONER

14. On information and belief, Registrant had knowledge of Petitioner's mark when it filed the application that matured into US Trademark Reg. No. 3726254.
15. Upon information and belief, and on the results of an investigation conducted by Petitioner and Petitioner's attorneys, Registrant has the intent to develop similar product names, as well as a line of cosmetic products in order to trade upon the substantial consumer recognition and appropriate the goodwill associated with Petitioner's products.
16. The mark HOLLYWOOD GIRL, when applied to the goods of the registrant, falsely suggest a connection with Petitioner within the meaning of Section 2(a) of the Trademark Act.

FRAUD BY REGISTRANT

17. On information and belief, and on the results of an investigation conducted by Petitioner and by Petitioner's attorneys, Registrant intentionally and knowingly made false, material representations of fact in procuring the registration of HOLLYWOOD GIRL with an intent to defraud the Patent and Trademark Office. On October 16, 2009, Registrant submitted to the USPTO an allegation to allege use that included a sworn statement that read: "The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 03/11/2009, and first used in commerce at least as early as 03/11/2009, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Bottle of the goods." This sworn statement is false because Registrant never actually sold this product in commerce.

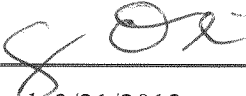
HARM TO PETITIONER

18. Registrant's mark is nearly identical to Petitioner's mark so that confusion and deception as to the origin of Registrant's goods is likely to occur to the damage and detriment of the Petitioner. Consumers are likely to believe that Registrant's brand is affiliated, associated, or endorsed by Petitioner, which is false.
19. Registrant's HOLLYWOOD GIRL mark must be cancelled based upon:
- a) Registrant's abandonment of the mark
 - b) It is likely to cause confusion, or to cause mistake, or to deceive
 - c) It falsely suggests a connection with or authorization by Petitioners
 - d) Registrant's fraudulent representation in its trademark application/statement of use filings
 - e) The mark is causing damage Petitioners' good will and reputation
 - f) The mark is preventing Petitioners' new trademarks for HOLLYWOOD MEN and HOLLYWOOD BABY from getting registered.

WHEREFORE, Petitioner prays that Registration No. 3,726,254 be cancelled.

Elizabeth Oliner, Esq.
Raj Abhyanker PC
1580 West El Camino Real
Mountain View, CA 94110
liz@rajpatent.com
650 390 6409

Signature: _____


Dated: 3/21/2012

To: Valley of the Sun Cosmetics LLC (trademarks@rajpatent.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85394839 - HOLLYWOOD BABY - N/A
Sent: 12/13/2011 10:29:54 PM
Sent As: ECOM115@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85394839

MARK: HOLLYWOOD BABY

85394839

CORRESPONDENT ADDRESS:

ELIZABETH OLINER
RAJ ABHYANKER PC
1580 W EL CAMINO REAL
MOUNTAIN VIEW, CA 94040-2458

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Valley of the Sun Cosmetics
LLC

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

N/A

CORRESPONDENT E-MAIL ADDRESS:

trademarks@rajpatent.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 12/13/2011

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SECTION 2(D) REFUSAL

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3726254. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods and/or services, and similarity of trade channels of the goods and/or services. *See In re Opus One, Inc.*, 60 USPQ2d 1812 (TTAB 2001); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); *In re Azteca Rest. Enters., Inc.*, 50 USPQ2d 1209 (TTAB 1999); TMEP §§1207.01 *et seq.*

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b).

The applicant's mark is HOLLYWOOD BABY. The registrant's mark is HOLLYWOOD GIRL. In each mark, the respective terms BABY and GIRL are disclaimed or disclaimable as they indicate the intended user of the product. As such, when each is considered as a whole, the marks are seen to be highly similar in sound, appearance and commercial impression, particularly since they might be viewed as companion marks or a family of marks each targeted to specific users, e.g. men, girls, babies and the like.

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, they need only be related in some manner, or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods and/or services come from a common source. *In re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1476 (TTAB 1999); TMEP §1207.01(a)(i); *see, e.g., On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086-87, 56 USPQ2d 1471, 1475-76 (Fed. Cir. 2000); *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

In this case the goods are bath and body and hair care products which are identical in part and otherwise highly related. Accordingly, the goods will be found in the same channels of trade such that consumer confusion is likely to result.

In sum, the similarity of the marks and the relatedness of the goods and their channels of trade are such that consumer confusion as to source is likely to result.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Notwithstanding the foregoing substantive refusal, the applicant must further note the following prior pending application and respond to the disclaimer and identification of goods issues which follow.

PRIOR PENDING APPLICATION

Notwithstanding the section 2(d) refusal, the filing date of pending Application Serial No. 85-115037 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

IDENTIFICATION OF GOODS

The wording "petrolatum [jelly]" in the identification of goods is indefinite and must be clarified because it does not identify the goods with the requisite clarity and specificity. See TMEP §1402.01. Applicant must amend the identification to specify the common commercial name of the goods. Applicant may replace the wording with the following, if accurate: petroleum jelly.

To the extent the suggested identification is incomplete or inaccurate, the applicant is further advised that the Trademark Acceptable Identification of Goods and Services Manual is accessible via the PTO website at <http://www.uspto.gov> by clicking "Trademarks" in the column menu on the left side of the page, and then selecting "Identification Manual" from the drop down menu.

An applicant may amend an identification of goods only to clarify or limit the goods; adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

DISCLAIMER

The applicant must insert a disclaimer of "BABY" in the application. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §§1213 and 1213.08(a)(i). The wording is merely descriptive because it identifies

the intended user of the goods, namely, babies. See the attached entry from The American Heritage® Dictionary of the English Language.

A disclaimer does not physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing. TMEP §§1213, 1213.10.

A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use “BABY” apart from the mark as shown.

Please feel free to contact the undersigned attorney if you wish to discuss this application.

/John S. Yard/
Trademark Examining Attorney
Law Office 115
(571) 272-9486
john.yard@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

EXHIBIT #2

To: Valley of the Sun Cosmetics LLC (trademarks@rajpatent.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85394823 - HOLLYWOOD MEN - N/A
Sent: 12/13/2011 10:38:10 PM
Sent As: ECOM115@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85394823

MARK: HOLLYWOOD MEN

85394823

CORRESPONDENT ADDRESS:

ELIZABETH OLINER
RAJ ABHYANKER PC
1580 W EL CAMINO REAL
MOUNTAIN VIEW, CA 94040-2458

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Valley of the Sun Cosmetics
LLC

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

N/A

CORRESPONDENT E-MAIL ADDRESS:
trademarks@rajpatent.com

OFFICE ACTION

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ISSUE/MAILING DATE: 12/13/2011

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SECTION 2(D) REFUSAL

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3726254. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

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The applicant's mark is HOLLYWOOD MEN. The registrant's mark is HOLLYWOOD GIRL. In each mark, the respective terms MEN and GIRL are disclaimed or disclaimable as they indicate the intended user of the product. As such, when each is considered as a whole, the marks are seen to be highly similar in sound, appearance and commercial impression, particularly since they might be viewed as companion marks or a family of marks each targeted to specific users, e.g. men, girls, babies and the like.

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, they need only be related in some manner, or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods and/or services come from a common source. *In re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1476 (TTAB 1999); TMEP §1207.01(a)(i); *see, e.g., On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086-87, 56 USPQ2d 1471, 1475-76 (Fed. Cir. 2000); *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

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Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Notwithstanding the foregoing substantive refusal, the applicant must further note the following prior pending application and respond to the disclaimer requirement which follows.

PRIOR PENDING APPLICATION

Notwithstanding the section 2(d) refusal, the filing date of pending Application Serial No. 85-115037 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

DISCLAIMER

The applicant must insert a disclaimer of "MAN" in the application. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §§1213 and 1213.08(a)(i). The wording is merely descriptive because it identifies a feature of the goods, namely, the intended users of the products. See the attached entry from The American Heritage® Dictionary of the English Language.

A disclaimer does not physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing. TMEP §§1213, 1213.10.

A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use "MAN" apart from the mark as shown.

Please feel free to contact the undersigned attorney if you wish to discuss this application.

/John S. Yard/
Trademark Examining Attorney
Law Office 115
(571) 272-9486
john.yard@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

EXHIBIT #3

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

United States Patent and Trademark Office

Reg. No. 2,787,980

Registered Dec. 2, 2003

**TRADEMARK
PRINCIPAL REGISTER**

HOLLYWOOD STYLE USA

VALLEY OF THE SUN COSMETICS (CALIFORNIA CORPORATION)
19520 RANCHO WAY SUITE #205
RANCHO DOMINGUEZ, CA 90220

FIRST USE 1-0-2001; IN COMMERCE 1-0-2001.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "USA", APART FROM THE MARK AS SHOWN.

FOR: BEAUTY AIDS, NAMELY, SKIN CARE CREAMS, FACIAL AND BODY SCRUBS, SKIN MASKS, HAIR SHAMPOO, HAIR CARE STYLING GELS AND SPRAYS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

SER. NO. 76-287,920, FILED 7-20-2001.

BRADLEY BAYAT, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

HOLLYWOOD GIRL

Reg. No. 3,726,254 ARMINEX INTERNATIONAL, INC. (CALIFORNIA CORPORATION)
Registered Dec. 15, 2009 4200 VERDANT STREET, SUITE A
LOS ANGELES, CA 90039

Int. Cl.: 3 FOR: COSMETICS AND COSMETIC PREPARATIONS; CUTICLE CONDITIONERS; CUTICLE CREAM; NAIL CARE PREPARATIONS; NAIL CARE PREPARATIONS, NAMELY, NAIL SOFTENERS; NAIL CREAM; NAIL ENAMELS; NAIL HARDENERS; NAIL POLISH; NAIL STRENGTHENERS; NON-MEDICATED SKIN CARE PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

TRADEMARK
PRINCIPAL REGISTER

FIRST USE 3-11-2009; IN COMMERCE 3-11-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GIRL", APART FROM THE MARK AS SHOWN.

SN 77-491,259, FILED 6-4-2008.

JESSICA A. POWERS, EXAMINING ATTORNEY



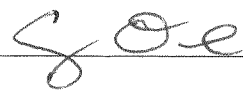
David J. Kyros

Director of the United States Patent and Trademark Office

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2012, a copy of the attached Petition to Cancel has been served on the Registrant, by mailing a copy thereof, first class, postage prepaid to:

Arminex International, Inc.
4200 Verdant Street, Suite A
Los Angeles, CA 90039

A handwritten signature in cursive script, appearing to read "E. Oliner", is written over a horizontal line.

Elizabeth Oliner